

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JULIAN C. FLORES,

Petitioner,

v.

No. CV 08-692 BB/CEG

MIKE A. HEREDIA, Warden, and
GARY K. KING, Attorney General for
the State of New Mexico

Defendant/Movant.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on December 9, 2008. See docket no. 11. The Proposed Findings and Recommended Disposition recommends that the Court deny Petitioner's 28 U.S.C. § 2254 Amended Motion because Mr. Flores has failed to establish any violation sufficient for the granting of a writ permitted by § 2254. Specifically, the Magistrate Judge found Mr. Flores' "illegal enhancement" claim was decided on the merits and the state court decisions and record are entitled to deference in accordance with 28 U.S.C. § 2254 and the AEDPA. The Magistrate Judge also found Petitioner's ineffective assistance of counsel claims to be without merit. Mr. Flores filed objections to the Proposed Findings and Recommended Disposition on December 22, 2008. See docket no. 12. The Court has carefully reviewed Mr. Flores' objections de novo and finds them to be not well taken.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (docket no. 11) are **ADOPTED**;
- 2) the Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (doc. 1) is **DENIED**; and
- 3) this case is **DISMISSED WITH PREJUDICE**.



UNITED STATES DISTRICT JUDGE